in an action by him as administrator, when his neglect is a contributing cause of the injury.

This question has never before been directly passed upon in New York, but this result is in accord with the decisions of other States. *Bamberger v. Ry. Co.*, 95 Tenn. 18; *Wolf v. Ry. Co.*, 55 Ohio St. 517; *Tiffany, Death by Wr. Act*, secs. 69-71; *Beach, Contrib. Neg.*, sec. 44; *Shearm & R., Neg.*, sec. 71. Under the view taken by these authorities the question is whether the beneficiary shall be allowed to profit by his own wrongful act, and the doctrine of imputed negligence laid down in *Hartfield v. Roper*, 21 Wend. 615, does not apply. *Metcalfe v. Ry. Co.*, 12 App. Div. 147. But where the cause of action is considered a survival of the child's right, damages are a part of the child's estate, and are cast on the beneficiary by operation of law; the parent's negligence in such case could only effect his recovery as sole beneficiary by applying the doctrine of *Hartfield v. Roper, supra. Ry Co. v. Groseclose's Adm'r.*, 88 Va. 267; *Wymore v. Mahaska Co.*, 78 Ia. 396. In New Jersey the court was evenly divided over the question. *Consolidated Traction Co. v. Hone*, 59 N. J. L. 275.

DOWER—ALLOTMENT—EXONERATION OF HUSBAND'S ALIENEE.—LONGSHORE V. LONGSHORE ET AL., 65 N. E. 1081 (ILL.).—*Held*, where a husband has aliened land with warranty, a court of equity will exonerate the alienee by alloting dower for the whole estate out of the descended lands whenever they are of sufficient value.

This question is a new one in this court, and does not seem to have been passed upon elsewhere except in New York and Kentucky. *Wood v. Keyes*, 6 Paige 478; *Richmond v. Harris*, 102 Ky. 389. But the decision is in accord with recognized equitable principles.

EMINENT DOMAIN—DELEGATION OF POWER—PUBLIC USE.—FALLSBURG POWER AND MFG. CO. V. ALEXANDER, 43 S. E. 194 (VA.).—A manufacturing company, incorporated to generate power, light and heat, was granted the right of eminent domain. By the charter it had the option of devoting its products to its own use or the use of the public. *Held*, that as the public had no definite right to the use of the products, the provision giving the company the right of eminent domain was unconstitutional.

The law is becoming settled on the point involved. The right of eminent domain was given to manufacturing companies upon consideration of "general good" in *French v. Braintree Mfg. Co.*, 23 Pick. 220, and *Olmstead v. Camp*, 33 Conn. 532, and denied in *Hay v. Cohoes Co.*, 3 Barb. (N. Y.) 47. The reasons with which this policy of "general good" originated have long since ceased to exist. *Jordan v. Woodward*, 40 Me. 323. By the modern doctrine, to justify the granting of the right of eminent domain to a private corporation, the interest of the public must be well defined. *Gilmer v. Lime Point*, 18 Cal. 229. And the State must have a voice in the manner in which the public may avail itself of that use. *Board v. Hoesen*, 14 L. R. A. 114. See also *C. B. & Q. Ry. Co. v. State*, 50 Neb. 399.

EQUITY—JURISDICTION—TRESPASS—INJUNCTION.—FREER ET AL. V. DAVIS ET AL., 43 S. E. 164 (W. VA.).—*Held*, that where irreparable mischief is being done to real estate, and the title of the land is in dispute, a court of equity will enjoin the trespass pending the determination in a court of law of the question of the title. Brannon, J., *dissenting*.